

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1988 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

ABDULKADER ABDULREHMAN SABUGAR

Versus

STATE OF GUJARAT & ORS

Appearance:

MR. J.V JAPEE, Advocate, for Petitioner.
MR. M.R. ANAND, G.P. with Miss Harsha Devani, for respondents.

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/03/96

ORAL JUDGEMENT

Rule. Miss Devani, learned A.G.P. waives service of notice of Rule for the respondents.

2. In view of the short point involved in this Special Civil Application the matter is taken up for

final hearing today with the consent of the learned Counsel for the parties.

3. The order passed by the respondent no.1 directing confiscation the stock of food grains and pulse worth Rs.35142/- has been confirmed by the respondent no.2 by the order dated 3-10-1995. The contention of the petitioner is that the wheat has been deleted from the schedule containing the list of essential articles in the Gujarat Essential Articles (Licence, Control and Stock Declaration) vide order of 1986. This contention has not been raised either before the Collector or the respondent no.2 Dy. Secretary, Food and Civil Supplies Department. However, as the matter goes to the root the impugned order of the Collector and that of the Dy. Secretary, deserves to be quashed and set aside.

4. In view of the aforesaid, this Special Civil Application is allowed and the impugned order dated 9-10-1992 passed by the Collector, Sabarkantha and the order dated 3-10-1994 passed by the Dy. Secretary are hereby quashed and set aside. The matter is remitted to the Collector, Sabarkantha to pass afresh order after considering the aforesaid contention of the petitioner. Rule is made absolute to the aforesaid extent, with no order as to cost.

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